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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re application of:

Shen *et al.*

Appl. No. 09/845,153

Filed: May 1, 2001

For: **Methods and Compositions for
Lipidization of Hydrophilic
Molecules**

Art Unit: (To be assigned)

Examiner: (To be assigned)

Atty. Docket: 1696.0020008/RWE/BEC

**Notice of Incomplete Nonprovisional
Application: 02/01/2002**

**Petition Related to the Filing Date of a Patent Application
Under 37 C.F.R. § 1.53**

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

It is hereby petitioned under 37 C.F.R. § 1.53 that a filing date be granted for the above captioned-application. This petition and a Second Preliminary Amendment filed herewith support Applicants' assertion that drawings are not necessary for the understanding of the subject matter sought to be patented. Therefore, Applicants are entitled to a filing date for the above-captioned application. See 35 U.S.C. §113 (first sentence).

Adjustment date: 08/08/2003 AKELLEY
04/02/2002 BNGUYEN1 00000008 09845153
01 FC:122 -130.00 OP

Repln. Ref: 08/08/2003 AKELLEY 0017401100
DA# 190036 Name/Number: 09845153
FC: 9204 \$130.00 CR

On March 1, 2001, the above-captioned application was filed in the U.S. Patent and Trademark Office (USPTO), in accordance with 37 C.F.R. § 1.53(b). Six sheets of drawings (Figures 1, 2A-D, 3A-D, 4A-C, 5A-B and 6) were inadvertently omitted from the application as filed. On February 1, 2002, the USPTO mailed a Withdrawal of Previously Sent Notice (regarding the Filing Receipt mailed on June 26, 2001) and a Notice of Incomplete

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OFFICE OF PETITIONS

Nonprovisional Application. This Notice states that the application was deposited without drawings; and, therefore, a filing date has not been granted. This Notice further states that "*Applicant should reconsider whether the drawings are necessary under 35 U.S.C. 113 (first sentence).*"

Applicants assert that, for the pending application, drawings are not necessary under 35 U.S.C. § 113 (first sentence). Claims 1-11 and 16-19 are pending in the present application. Independent claim 1 and dependent claims 2-5 are directed to compounds of formula VI. Support for claims 1-5 can be found, *inter alia*, at page 11, line 16, through page 12, line 1 (including Scheme I), and in claims 1-5 of the application as filed. Independent claim 6 and dependent claims 7 and 8 are directed to a method for increasing absorption of a sulfhydryl-group containing compound selected from the group consisting of peptides, proteins and oligonucleotides into mammalian cells, using compounds of formula VI. Support for claims 6-8 can be found, *inter alia*, at page 8, lines 4-9, in Example 3, at page 15, line 10, through page 19, line 13, and in claims 6-8 of the application as filed. Independent claim 9 and dependent claims 10 and 11 are directed to a method for prolonging blood and tissue retention of a sulfhydryl-group containing compound selected from the group consisting of peptides, proteins and oligonucleotides into mammalian cells, using compounds of formula VI. Support for claims 9-11 can be found, *inter alia*, at page 8, lines 4-9, and in claims 9-11 of the application as filed. Independent claim 16 and dependent claims 17-19 are directed to a method for forming a compound of formula VI. Support for claims 16-19 can be found, *inter alia*, at page 11, line 23, through page 12, line 1 (including Scheme I), and in claims 16-19 of the application as filed.

As demonstrated above, all of the pending claims are fully supported by the application as filed. Therefore, the drawings are *not* necessary for the understanding of the subject matter sought to be patented.

Furthermore, the subject matter of the drawings is comprehensively described in the Examples. *See* page 19, lines 5-13; page 19, line 28, through page 21, line 2; and page 24, line 26, through page 25, line 8, of the application as filed. Therefore, the drawings are *not* necessary for the understanding of the subject matter sought to be patented.

Conclusion

As demonstrated above, all of the pending claims are fully supported by the application as filed. Thus, drawings are *not* necessary for the understanding of the subject matter sought to be patented. Consequently, drawings are *not* necessary under 35 U.S.C. § 113 (first sentence).

Therefore, Applicants request that a filing date be granted for the above-captioned application. In support of this request a Second Preliminary Amendment, deleting reference to the figures, is submitted herewith.

The petition fee of \$130.00 (37 C.F.R. § 1.17(h)) is included in the attached check no. 34698. If any additional fees are required, then the U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency to our Deposit Account No. 19-0036. A duplicate copy of this petition is enclosed.

Further to the Notice of Incomplete Nonprovisional Application, Petitioners expressly state that the pending application is entitled to a filing date; and Petitioners request a refund of the petition fee. In support of this request, a Request for Refund is submitted herewith.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

A handwritten signature in black ink, appearing to read "B. E. Chalker".

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Date: March 29, 2002

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